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CLEVELAND OH 44114

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AUG 3 0 2004

In re Application of	:	
Cartlidge et al.	:	OFFICE OF PETITIONS
Application No. 10/758,579	:	ON PETITION
Filed: 15 January, 2004	:	
Attorney's Docket No. PRP103US	:	

This is a decision on the petition filed on 30 July, 2004, requesting that the above-identified application be accorded a filing date of 15 January, 2004, with Figure 5 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 15 January, 2004.

Accordingly, on 22 July, 2004, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 15 January, 2004, but that Figure 5 described in the specification appeared to have been omitted.

In response, on 30 July 2004 (certificate of mailing date 26 July, 2004), the present petition and a copy of 26 sheets of drawings, including one (1) sheet containing Figure 5 described in the specification, was filed. Petitioners argue that the sheet of drawings containing Figure 5 was filed with the other application papers on 15 January, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 01/15/04, the above-identified application number, and identifies the application by the first named inventor's name, invention title and attorney docket number, and acknowledges receipt of, *inter alia*, 26 sheets of drawings. Petitioners request that the application, including one (1) sheet of drawings containing Figure 5 described in the specification, be accorded a filing date of 15 January, 2004.

A review of the record reveals that no sheet of drawings containing Figure 5 described in the specification has been located among the application papers received on 15 January, 2004. However, the evidence is convincing that the application papers deposited on 15 January, 2004, included 26 sheets of drawings, one of which included Figure 5 described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 5 described in the specification, is entitled to a filing date of 15 January, 2004.

The "Notice" mailed on 22 July, 2004, is vacated.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be refunded to counsel's deposit account, No. 50-1063.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 5 supplied on 30 July, 2004, as a part of the original disclosure. The copies of the other drawing sheets supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 15 January, 2004, using the application papers filed on that date, and the sheet of drawings containing Figures 5 supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions